

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/359,426	CRIPPS ET AL.	
	Examiner	Art Unit	
	S. Devi, Ph.D.	1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Applicants' after-final amendment filed 01/05/05.
2.  The allowed claim(s) ~~is~~ are 1, 7, 18, 20, 21, 24, 26 and 37-43, now renumbered as claims 1, 2, 6, 7, 3, 4, 5 and 8-14 respectively.
3.  The drawings filed on 22 July 1999 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 11405.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other Attachment.

## **ATTACHMENT TO NOTICE OF ALLOWABILITY**

### **Applicants' After-final Amendment**

1) Acknowledgment is made of Applicants' after-final amendment filed 01/05/05 in response to the final Office Action mailed 10/13/04.

### **Examiner's Amendment**

2) An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 C.F.R 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The authorization to prepare this Examiner's amendment was provided by Ms. Rochelle Seide in a telephonic interview (see interview summary) on 14 January 2005.

This application has been amended as indicated below:

In line 2 of claim 39, the limitation --against *P. aeruginosa*-- is inserted after the limitation 'response'.

### **Status of Claims**

3) Claims 9, 22, 25, 27 and 36 have been canceled via the amendment filed 01/05/05.  
New claims 38-43 have been added via the amendment filed 01/05/05.  
Claim 39 has been amended via this Examiner's amendment.  
Claims 1, 7, 18, 20, 21, 24, 26 and 37-43 are under examination.

### **Rejection(s) Moot**

4) The rejection of claim 9 made in paragraph 20(b) of the Office Action mailed 02/18/04 and maintained in paragraph 8 of the Office Action mailed 10/13/04 under 35 U.S.C § 112, second paragraph, as being indefinite, is moot in light of Applicants' cancellation of the claim.  
5) The rejection of claims 22, 25, 27 and 36 made in paragraph 20(d) of the Office Action and maintained in paragraph 9 of the Office Action mailed 10/13/04 mailed 02/18/04 under 35 U.S.C § 112, second paragraph, as being indefinite, is moot in light of Applicants' cancellation of the claims.

### **Remarks**

6) Claims 1, 7, 18, 20, 21, 24, 26 and 37-43 are allowed. Claims 7, 18, 20, 21, 24, 26 and 37-43 are now renumbered as claims 2, 3, 6, 7, 3, 4, 5 and 8-14 respectively. The amendment to claim

39 is made via this Examiner's amendment to specify the target or specificity of the immune response and is supported at lines 34 and 35 on page 3 of the specification.

7) Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform with the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The Fax number for submission of amendments, responses and papers is (571) 273-8300.

8) Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAG or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 7.15 a.m. to 4.15 p.m. except one day each bi-week, which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (571) 272-0864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

January, 2005

*SD*  
S. DEVI, PH.D.  
PRIMARY EXAMINER